

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN MASSI,	:	
Plaintiff,	:	CIVIL ACTION
v.	:	
	:	
CITY OF PHILADELPHIA, et al.,	:	
Defendants.	:	NO. 12-1309

ORDER

AND NOW, this 25th day of March, 2013, upon consideration of Plaintiff John Massi's Amended Complaint (Docket No. 11), the Defendants' Motion to Dismiss (Docket No. 14), and Mr. Massi's response thereto (Docket No. 21), and for the reasons stated in the accompanying Memorandum, it is hereby ORDERED that:

1. The Defendants' Motion to Dismiss (Docket No. 14) is GRANTED IN PART without prejudice for Counts 1-4, 6-7, 9 (as to the City of Philadelphia and the Philadelphia Police Department), 10 (as to Commissioner Ramsey, Deputy Commissioner Bethel, Mr. Allen, and the City of Philadelphia), 11 (as to Commissioner Ramsey, Deputy Commissioner Bethel, and Mr. Allen), and 12.
2. The Defendants' Motion to Dismiss is GRANTED IN PART with prejudice for Counts 5, 8, 9 (as to the individual Defendants), 10 (as to the Philadelphia Police Department), and 11 (as to the City of Philadelphia and the Philadelphia Police Department).
3. The Defendants' Motion to Dismiss is DENIED as to the claims against Mr. Washington and Mr. Vest that are set forth in Counts 10 and 11.
4. If Mr. Massi chooses to file a second amended complaint, he shall do so by April 5, 2013 in a manner consistent with the terms of the Court's opinion. In addition

to filing such a complaint on the docket, Mr. Massi must serve the Court and opposing counsel with a color-printed “redline” of the amended complaint, so that the parties and the Court may view how it differs from his original complaint.

5. The Defendants shall answer or otherwise respond to Mr. Massi’s complaint either by April 19, 2013, or within fourteen (14) days of his filing a second amended complaint, whichever is earlier.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
United States District Judge